R. 143

REMARKS

ON THE

TRYAL

OF

Alderman *Cornish*:

SHEWING

The Inconsistancies of the Evidence that took away his Life, and clearing Mr. *Sheppard* from that Aspersion, which was falsly fix'd upon him, as will be evidently demonstrated by showing,

The strangeness of his Tryal for Conspiring the Death of King *Charles* the II. who was then Dead, and he had been made both *Sheriff* and *Alderman*, after the pretended Plot.

The Improbability of the Evidence, which Mr. *Cornish* insisted on at his Tryal, but was Check'd for it.

The plain Contradiction of Mr. *Sheppard*'s Evidence to what the *Court* and *Kings Council* alledg'd.

The Remarkable Occurrence at his Death, and the several Judgments that have happen'd to some of his Jury since.

His Jury's Names

Thomas Rawlinson.	*William Clowdesly.*
Thomas Langham.	*Richard Holford.*
Ambrose Isted.	*William Longhurst.*
Thomas Pendleton.	*Steven Coleman.*
John Grigg.	*Robart Clavel.*
Thomas Onely.	*William Longe.*

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Remarks on Alderman *Corniſh*'s Tryal, &c.

THE Deſign of this being writ is for the ſatisfaction an
true Information of the Publick at this time. I ſha
not Trifle with my Reader, but proceed directly to Matte
of Fact, after I have ſhown the ſtrangneſs of this Tryal of M
Corniſhes, for Conſpiring the Death of the King, who w
then Dead, and he himſelf, during the Life-time of the ſa
Prince had been ſo far from being ſuſpected for a *Traytor*,
gainſt his *Sovereign*, that he was made both *Sheriff* and *A*
derman after the pretended Plot with the Duke of *Monmou*
and my Lord *Ruſſel*. Theſe are Circumſtances that wou
puzzle any Man of Reaſon, that was unprejudiced in t
Cauſe, that Alderman *Corniſh*, a Man of his Figure in t
City, ſhou'd be paſs'd by for 6 or 7 Years together, if he ha
been concern'd in any Conſpiracy with *Rumſey*, who had a
ready made Confeſſion of what he knew of that Affair, a
had the King's Pardon for it: I ſay, it is highly incredib
that *Rumſey* ſhou'd obtain the King's Favour without givi
him the Particulars of that Conſpiracy, for which he obtai
it; and it is very ſtrange that the Court and Jury ſhould gi
Credit to *Rumſey*'s poor ſhallow Reaſon that he gives to M
Corniſh, and the Court, why he did not diſcover this befo
and that was his Compaſſion. Nor wou'd any Unbiaſs'd P
ſons in the World take this for a ſubſtantial Reaſon why a W
lain, and a Traitor, ſhou'd conceal one of his Conſpirat
for whom he had ſo little Eſteem? When the very Reaſon
was to have the Kings Grace for his diſcovery of the wh
Plot: part of which we find here reſerv'd to fall upon ſ
Perſons as ſhou'd at any time hereafter be obnoxious to t
Party. which it Appears Mr. *Corniſh* was by the Treatm
he met withall in his Tryal; in denying him Pen and Ink
ring his Confinement, the Pannel of his Jury; and laſt of
in Brow-beating him at the *Bar*; *for as ſoon as ever he atte*
to ask any Queſtions, give Anſwers or defend himſelf a

ey, he was interrupted by the Council, or the Court, after a manner, *Pray don't enter into a long Harangue*, or dont be troublesome to the Court, &c. Now, he was so far Discouranced, that when he was upon his Defence he durst scarce speak, but said, *He was tender of Offending*; upon which he was answer'd, *That that saying was a Reflection upon the Court.*

The next thing I shall show, is the *Improbability* of the Evidence, from the *Circumstances of what* they Attempted to prove *against* mr. *Cornish*, who insisted upon them *materially* & fully, but could obtain no Credit from the Court. The first, & indeed the only *Evidence of any moment*, was Col. Rumsey, who gives An Account *of a meeting* of the *Duke* of Monmouth, my Lord *Russel*, my Lord *Gray*, Sir *Thomas Armstrong*, Mr. *Ferguson*, & himself, at Mr. *Sheppard's* House: He says, *Alderman Cornish was brought up into the Room, but made an Excuse, both that he came not sooner, & that he must be gone again* in a quirk. Now, one would think, If he had come to such an important Business, *as a Conspiracy against* the King's Life, & to subvert y Government, he would never have let such a frivolous Business *as the City Charter*, have *call'd him away*, when he had much more weighty *Matter on his Hand*, & which nothing but his own Life, or y of the King's, & y change of y Government cou'd *Ballance*. Then, as to the Circumstances of what was done there, Mr. *Cornish* proves them Absolutely false; afterwards Mr. *Sheppard*, whose Evidence they wou'd needs perswade the World took Mr. *Cornishes* life away.

Col. *Rumsey* says, *That* Ferguson *open'd his Bosom, & from under his Stomacher pull'd out a Paper; they told him they had that Paper read, & desired to read it to him. Mr.* Ferguson *read it, &* Sheppard *held the Candle all the time it was reading; & after they had read it, they asked him* How he like it? *And he did say* He lik'd it very well. Now the particular Circumstances of this Story are *Fergusons* pulling out the Paper from his Stomacher, & *Sheppard's* holding the Candle, both of which are positively prov'd false; for Mr. *Sheppard* denies y ever he held the Candle, & says, The Declaration y was read *Ferguson* pull'd out of his Shoe, & not out of his Bosom.

The next thing *Rumsey* says, and, it is observable 'tis all from his *Memory of hearing it but once or twice being read at the most, that the two main* Points in the Declaration were for Liberty of Conscience, and Restoring the Church Lands to such as held 'em in the late War; nay, he remembers the first part of it was Complaining of the Misgovernment of the late King and yet he did not hear all the Paper read, nor take any great notice of it. It is wonderful that such Inconsistencies should pass upon a Court, to the taking away the Life of an Innocent Man. It is the most highly improbable thing in the World, that *Rumsey*, who was so considerably concern'd in this Conspiracy, as to be chose out for an Evidence, should be so regardless of what was doing, as he himself says, to take no Notice of it- and yet remember what he had a mind to do. Is not this plainly telling every discerning Man, that the Story is all a Forgery of his own making, tho' it is a foolish one; but that he did not value, knowing he should be help'd out at a dead Lift, by those that set him about the work.

But let us consider him a little further, he says now tho' his Memory was not employ'd about the Business before, That the Effects of the Declaration was about the Rising; and he told the Court just before, That the Contents were about Liberty of Conscience, &c. Now observe his Ingenuity of distinguishing, when he found the Contents would not do, he was resolv'd to Clench it when it came to its Effects. Now 'tis probable enough the first part of the Story might be true That there was an Agreement among those that were met to complain of some Grievances, and Petition the King for Liberty of Conscience, &c. But *Rumsey*

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clear that Matter, says, They met at that time about Rising: but was disappointed; and this was the Message from my Lord *Shaftsbury* to them, to press them to a Rising, for such a Matter as that was not to be kept long on Foot; this appears to be all of *Rumsey's* own making; for when the Court demands of him, How Mr. *Cornish* lik'd the Rising? And he had said, He would assist with all the Power he had: He afterwards baffles and runs back from his Words, and says, That Mr. *Cornish* did like the Declaration; not a Word of the Rising then; and wou'd appear to back it with the small Interest he had. Now I believe that's true, because that which he calls the Declaration, I take to be nothing but some Representations of their Grievances, or a Complaint, as he says himself, of some Mismanagements in the Government. For how repugnant it is to Reason, to suppose Mr. *Cornish* and Mr. *Rumsey* should meet together upon such a Grand Work as a Conspiracy, where such things were concerted as *Rumsey* alledges; and yet afterwards meet each other frequently, being old Acquaintance of 14 Years standing, and yet Mr. *Cornish* and he never exchanged a Word before, or after, upon the Subject Matter of that Declaration, or any thing of that Nature. Is not this the greatest Riddle and Mystery in the World, if true? And therefore every impartial and reasonable Man must needs think such a Charge false, or else Renounce his Reason: For, indeed, here Mr. *Rumsey* answers the Alderman after the Attorney-General had examin'd him, with a plain honest Sincerity, when Mr. *Cornish* ask'd him, If ever he Discours'd of these Matters at any other time, That he did not positively. Upon this the Court seem'd a little Exasperated at *Rumsey*, and told

him

him and the Prisoner, That they might not stand t
Dialogue between one another. This Evidence was
little too Circumstantial, in the favour of Mr. *Cornish*
if some at that time of Day had had that regard fo
reasonable Circumstances on one side, as they had to un
reasonable ones on the other.

The other Evidence against Mr. *Cornish*, is Mr. *Goo*
enough, one who was his Under-Sheriff, but much a
gainst Mr. *Cornish*'s Will, being impos'd upon him b
his Partner, Sheriff *Beebel*, and therefore bore an inve
terate Malice against him What he was Examin'd too
was particularly about the Rising that *Rumsey* talk'd o
and he says there was a Design to Rise in *London*. We de
sign'd, says he, to divide it into twenty Parts, and out
each Part to raise 500 Men, if it might be done, to mak
an Insurrection. Now this *Goudenough* was never so much
once Interrogated who he meant by *We design'd*, whether M
Cornish was to be one of those? But instead of that the Cou
passes that material Question over, and asks him, What D
course he had with *Mr. Cornish*? In Answer to which *Goo*
enough knew what he had to say; for that being all that w
required of him, he had it ready made for the purpose, th
as inconsistent as what *Rumsey* says, and just of the same lev
It being of that trifling concern, they never spake of it aga
and when they do, in doubtful Obscurity. For what
these Words else of his to *Mr. Cornish*, Sir, said I, now
Law won't Defend us, tho' we be never so innocent. T
was certainly Prophetically spoke of *Mr. Cornish*; but so
other way is to be thought on: upon this said he, I won
the City is so Unready, and the Country so Ready. Said I
him again, Sir, There's something thought of to be do
here: But, says I, in the first place the *Tower* ought to
sez'd, where the magazine is; upon this he made a lit
Pause, and said, I will do what I can: To this purpose he
swer'd me; and about some time after he met me upon
Exchange, and ask'd me how Affairs went; which I un
stood to be relating to what we Discoursed. W

What Country, or what City is here spoke of? Or how this Discourse is introduc'd, wou'd puzzle a Conjurer to find out: but yet this incoherent and unintelligible Jargon is accepted as good Proof to take away the Life of an honest Citizen, who had put himself upon God *and his* Country *for his Tryal.*

I come now to the plain Contradiction of Mr *Sheppard's* Evidence, to what the Court & Queens Counsel Alledg'd, who both insisted upon the Proof, *That Mr.* Ferguson *pull'd a Paper out of his Bosom & upon desire of the Company, it was read to Mr.* Cornish *&* Sheppard *held the Candle, when, at the same time* Sheppard *expresly says, He remembers there was a Declaration read which* Furgeson *pull'd out of his Shoe; he pull'd off his Shoe, & pull'd it out there; but then* Sheppard *can't say Mr.* Cornish *was there when it was read, for he did take him to be of their Company, that is, he did not take him for a* Plotter, & he might have Business appointed there by some of the Parties on purpose to drew him into the snare, & yet be Ignorant about the matter about which they met; to pay a *Compliment* to the Duke of *Monmouth*, or my Lord *Russel* or *Grey*. was sufficient to call him there; & these men *Rumsey* & *Goodenough*, took ŷ Opportunity to fix the thing upon him; for *Sheppard* says not ŷ he came to the Duke of Monmouth more than any of the rest, & all this great Plot was hatch'd at once too; for he was never there but once; he was like to understaud much of the matter indeed. This is such improbable incoherent idle Stuff, I am Asham'd any Man shou'd ever have been thought a Plotter for, much more that one, who had the Universal Character of an Honest man & a Good Christian, shou'd suffer for. But alas! those Vouchers were Laugh'd at for Impertinent Idle Fellows, that came to inform the *Court* of his Honesty, or his Religion; which one would think, were the strongest Ties to preserve us from

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Conspiracies or *Rebellion.* But that his Innocence may appear the Brighter, we shall proceed to the last thing propos'd.

The Remarkable Occurences *at his Death & the several* Judgments *that have happen'd to* some of his Jury since: *there was but 8 Days time allow'd him from the Day he was taken off the* Exchange *to his Execution, & in that time he was to prepare for his Tryal & his Death: But having given you* an Account of the first, I shall give a very short one of the last.

At the Place of Execution he desir'd Almighty God to set a Mark upon his Wife & Children if he was Guilty, otherwise to show some Signs of his Innocency; & tho' it was a clear Day when he was turn'd off, presently *after a thick Cloud over-spread the whole City, with* Thunder, Lightning, & *a great* Tempest, *which did much Mischief. Two of his* Jury-men *are Remarkable Instances of Gods* Judgments on them. *Ambrose Ifstead* shooting himself, & *William Clowdesly* being kill'd, which is very singular, by the *Garnish* of a House falling on his head. Besides all these, to clear his Innocency to Posterity the Nation has thought fit to reverse his *Attainder*, by an Act of Parliament, which has restored his Blood & Family, to all the Honour & Advantage they could claim from their Father, *as a True* Patriot, a Good Christian, and an Honest man.

FINIS.